

PATENT

19270 U.S.PTO
10/766435



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1835 U.S.PTO
012704

Docket No: SCHALLER 2/1
Anticipated Classification of this
application: Class:
Prior Appl(s). No: 09/383,978
Examiner: QUANG NGUYEN
Art Unit: 1636

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SIR:

This is a request for filing a [] Continuation-In-Part, [X] Continuation, or
[] Divisional application under 37 C.F.R. 1.53(b) of pending prior applications of:

Inventor(s): HEINZ SCHALLER ET AL.
Appl. No(s): 09/383,978
filed: August 26, 1999
for: METHOD AND COMPOSITIONS FOR EXPRESSING
HETEROLOGOUS GENES IN HEPATOCYTES USING
HEPADNAVIRAL VECTORS

1. [X] Enclosed is a specification, together with a
[X] Copy of the oath or declaration as originally filed, or
[] Original or copy of a newly executed oath or declaration.

2. [X] The entire disclosure of the prior application, from which a copy of the
oath or declaration is supplied, is considered as being part of the
disclosure of the accompanying application and is hereby incorporated
by reference therein.

3. [] A new oath or declaration is included since this application is a
continuation-in-part which discloses and claims additional matter.

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4. [] This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
[] **DELETE** the following inventor(s) named in the prior nonprovisional application:

[] The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

5. [] A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27
[X] was not filed in the prior application, but applicants claims small entity status, and the application was never assigned.
[] is enclosed, or
[] was claimed in the prior application no. 09/831,256 and such status is still proper and desired (37 C.F.R. 1.28(a)), or
[] is no longer claimed.

6. [] Enter the amendment previously filed on _____ under 37 C.F.R. 1.116 but unentered, in the prior application.

7. [] A preliminary amendment is enclosed.

8. [] The filing fee is calculated on the basis of the claims existing in the prior application as amended

Basic fee for the above application:	\$ 770.00
Total number of claims	20-20
Independent claims	3-3
Reduction by 50% for filing by a small entity	\$ 385.00
Total filing fee:	\$ 385.00

9. [X] A check in the amount of \$375.00 is enclosed.

10. [] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1747. A duplicate copy of this sheet is enclosed.

11. [X] Cancel in this application original claims of the prior application before calculating the filing fee.

12. [] Amend the specification by inserting before the first line the sentence:--
This is a
[] continuation-in-part
[X] continuation

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division
of pending patent application Appl. No.09/383,987, filed Augsut 26, 1999

13. New formal drawings.

14. Priority of application Appl. No. filed in _____, and priority of International Appl. No. PCT/_____ filed _____, are claimed under 35 U.S.C. 119(a)-(d).
 The certified copy has been filed in prior patent application Appl. No. _____, filed _____.

15. An Information Disclosure Statement (IDS)
 PTO Form 1449
 Copies of IDS Citations
 Copies of PTO Forms 1449 as filed by applicant during prosecution of parent application 09/383,978, and of PTO Forms 892, as cited by the Examiner during prosecution of parent application 09/383,978.
 Copies of IDS Citations

16. Priority of application is assigned of record to:

17. A new Assignment
 Cover Sheet under 37 C.F.R. 3.73(b)

18. The power of attorney in the prior application is to:

**Ursula B. Day
350 Fifth Avenue, Suite 4714
New York, N.Y. 10118.**

a. The power appears in the papers in the prior application.
b. Address all future communications to:

**URSULA B. DAY
Customer No. 28157**

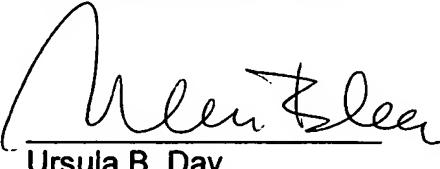
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19. [] EXTENSION OF TERM

- a. The Commissioner is hereby petitioned to extend the period for response to Official Action, dated in the prior patent application, Appl. No: 09/383,978, filed August 26, 1999, by TWO months until January 27, 2004. Accompanying this communication is the appropriate fee of \$ 210.00 pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).
- b. [] A separate paper directed to the prior patent application, Appl. No. , filed .
- c. [] Request for Extension of Time was filed on together with a Request for Reconsideration, and the appropriate fee of was paid.

Respectfully submitted,

By:


Ursula B. Day
Attorney for Applicant
Reg. No. 47,296

Date: January 27, 2004
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